



675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: August 21, 2012**  
CONTINUED FROM JULY 17, 2012 MEETING

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stritch, City Manager

Date: August 13, 2012

Subject: Albin General Plan and Zone Reclassification

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#### **Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Adopt Resolution No. 1157-A-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR);

#### **Alternative**

5. Introduce Ordinance No. 290-2012 and Resolution No. 1157-B-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of September 4, 2012 for second reading and adoption.

## Background

In an attempt to save copy costs, staff did not include some of previously provided attachments which were previously provided. **If you need another copy of those attachments, please let staff know.**

As you're aware the Council considered the Albin amendments at the meeting of May 15<sup>th</sup>. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5<sup>th</sup>. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

Based on Council member Wilson's comments regarding the financial advantage to the City in redesignating the parcel to Urban Residential, staff looked into the tax advantages and disadvantages of commercial development versus residential development. The "Guide to California Planning", Third Edition, by William Fulton and Paul Shigley contains an excellent discussion of on tax revenue and its link to land use planning. Below is a summary of the discussion.

Most cities and counties in California receive the vast majority of their tax revenue from two sources: property tax and sales tax. (Subventions from the state and the federal government, usually passed through the state, often provide the largest shares of city and county general fund revenue.) Prior to the passage of Proposition 13 in 1978, property tax was the most important source of local government revenue. However, since Proposition 13 placed restrictions on property tax rates, sales tax revenue has become the key source of revenue for local government. In many communities, sales tax revenue actually exceeds property tax revenue.



Under Proposition 13, property tax rates are limited to one percent of a property's assessed value. Generally speaking, the rate cannot be increased except when approved by a two-thirds vote of the local residents—a difficult task, but achievable for construction of police stations, libraries, and other highly popular items. Furthermore, property may not be reassessed except when it is sold or when new construction occurs. If property is not sold, assessed value may rise by no more than two percent per year, no matter how rapidly the market value is rising.

Property tax revenue, though collected by counties, is typically divided among city, county, school district, and special districts. Under complex formulas that are determined by the state and are different for every county, school districts typically get 50 to 60 percent of property tax revenue. Usually, cities each get about 15 percent of property tax revenues, while counties get about 25 percent. **However, based on recent information provided by the County Tax Collector's office, the City receives 6 percent or 6 cents for every dollar of property tax revenue.**

Because property tax revenue after Proposition 13 bears little relationship to the cost of providing a property with public services, some developments are clearly winners and some are clearly losers for local government. An office building or shopping center pays a lot of property tax, but takes up relatively little land compared with a subdivision, requires minimal police and fire protection, and produces no children who must be educated by the local schools. A subdivision of single-family homes stretches across the landscape, requires extensive police and fire protection, and generates a vast number of children who must be educated. But the subdivision produces relatively little property tax revenue and no sales tax revenue. For most cities and counties, the subdivision is a direct money loser. Below is a copy of a diagram that illustrates the revenue benefits of retail development.

### Revenue Benefits of Retail Development

Shopping Center	vs.	Residential Subdivision
Pays higher property taxes on less land		Pays lower property taxes on more land
+		+
Generates sales tax revenue		Generates NO additional revenue
+		+
Requires minimal fire and police protection		Requires extensive fire and police protection
+		+
Generates no new children to be educated		Generates many new children to be educated
=		=
<b>Revenue PRODUCING Project</b>		<b>Revenue DRAINING project</b>

Source: Guide to California Planning



Assuming the Albin property was redesignated from Community Commercial to Urban Residential and developed with 15 new residences averaging \$250,000 each, the total assessed value of the subdivision would be \$3,750,000. Based on the 6 percent or 6 cents for every dollar of property tax revenue the City receives, the City would receive \$2,250 in property tax revenue. Obviously this is much less than most would expect.

On the other hand, staff checked into the assessed values of the Walgreens in the Strong's Creek Plaza in Fortuna. The assessed value of the 1.53 acre parcel (land) is \$1,537,866 and the assessed value of the building and improvements (parking lot, landscaping, lighting, etc.) is \$4,049, 717. The total assessed value is \$5,587,583. Therefore the property tax revenue to the City would be about \$3,350 a year. However, assuming estimated modest sales revenue of \$10,000 per day for 360 days a year, this would result in about \$3,600,000 in annual sales revenue. This would result in additional \$36,000 in City sales tax revenue.

Obviously it's clear that commercial development produces much more potential tax revenue than residential development.

## **Discussion**

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

### **Public Interest**

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements

adjacent to the parcel;

- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy.

#### General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;

The General Plan encourages commercial development to strengthen and diversify the local economy throughout the community. Of course eliminating potential commercial use of the property would limit commercial development opportunities in the community.

- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The General Plan does call for the City to “Develop a review procedure as part of the zoning ordinance to ensure that proposed uses are compatible with existing uses.” As the Council is aware the City recently adopted Design Review Guidelines. The purpose of the design review process is to promote orderly and harmonious growth within the City.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;
- Existing inventory of residentially designated lands.

#### Plan and Zone Amendment Required Findings:

##### 1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as **Attachment 1**. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

*“It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area*

*will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. “*

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

*“It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101.”*

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

### **Staff Analysis**

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

**Table 1  
Commercial/Residential Lands**

Land Use/Zoning Designation		Acres	% of City
<b>CC</b>	<b>Community Commercial</b>	<b>33</b>	<b>2.6%</b>
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
<b>UR</b>	<b>Urban Residential</b>	<b>323.6</b>	<b>25.3%</b>
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

*\*Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

### **Residential Lands**

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. The current residential land use designations could accommodate approximately 3,150 additional parcels, resulting in a population of almost 8,000 people within the City limits.

In addition, should the Dinsmore Plateau be redesignated from 5 acre minimum parcel size to 1 acre or ½ acre minimums, this would accommodate an additional 125 or 250 parcels (not including potential second units), adding another 300 or 600 potential residents. Furthermore, there is approximately 75 acres east of Highway 101 that is designated 1 acre minimums due to the Cease and Desist Order (CDO) placed on the City as a result of the City's antiquated Waste Water Treatment Plant (WWTP). Once the WWTP project is complete, the CDO will be lifted

and the area will likely be redesignated Urban Residential. Redesignating this area could result in up to 400 additional parcels or another 1,000 residents, not including second units.

There are currently 22 residential properties for sale within the City. In addition, the Town of Scotia is expected to record Phase I of their subdivision by the end of the year or the spring of next year. Once recorded an additional 128 residential properties will be for sale.

Obviously, based on the above information, at this point in time there is no need for additional residential lands within the City.

### Commercial Lands

Although the City has more than enough lands for residential development, only about 4% of the City's land base is designated commercial. Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial.

There are twenty (20) parcels in the City that area zoned Community Commercial. Please refer to the map included as **Attachment 2**. Of those twenty parcels, **only four are vacant**. Please refer to Table 2 and the map included as **Attachment 3**. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development.

**Table 2**  
**Vacant Community Commercial Parcels**

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50'+/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as

conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the Albin parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Please refer to the photos included in **ATTACHMENT 4**. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website.

Council member Thompson has expressed concerns regarding the potential grade/slope of the access roads/driveways from Wildwood Avenue onto the parcel. Based on contour information prepared by Ontiveros and Associates, staff calculated the slope from the existing Wildwood Avenue roadway to a point 45 feet east of the existing property, which is 60 feet from the roadway. The 60 foot distance was used based on the location of a conceptual parking lot access off the extension of North Street.  $\text{Grade} = (\text{rise/run}) \times 100$ . The difference in elevation (rise) is about 6 feet. Therefore, the grade from Wildwood Avenue to the intersection of the conceptual parking lot is  $(6/60) \times 100 = 10\%$ . The City's Standard Improvement Specifications regarding street grades is below.

#### *Section III-2*

*F. Grades of Streets and Highways. No street or highway shall have a grade of more than twelve percent (12%) unless, because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess of twelve percent (12%) may be necessary.*

Although, the anticipated grade does comply with the 12% maximum, it's expected that the parking lot encroachments would also be sloped, thus reducing the 10% grade to closer to 6% to 8%. It should be noted that the northern access off of Wildwood Avenue into the former Humboldt Hydroponics/Wildwood Feed store is approximately 9%.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time.

## **2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.**

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documented, there is a **very limited** supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage the creation and retention of employment opportunities that provide sustainable wages and benefits for Rio Dell residents by promoting a thriving local retail, personal services and commercial sector.

The redesignation of the parcel from Commercial to Residential is not consistent with this policy. In fact changing the designation is contrary to this policy. Not only does the commercial designation hopefully provide goods and services to the City's residents, it will also create jobs.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the current demand for commercial land in Rio Dell is not present. However, there has not been a big demand for commercial and residential development in the County for a number of years. As previously discussed, based on the amount of existing residential and commercial land within the City and the fact that under the current residential designations the City can grow close to the size of the City of Fortuna, there



is currently no need to increase the amount of residential land in the City. In fact, it is likely that additional commercial lands will be needed.

At this point in time, based on existing General Plan goals and policies and the existing land use base, staff believes the proposed amendments **are not consistent the General Plan** and its implementation policies and programs.

**3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.**

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

**4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).**

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a “foreseeable” project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study and Draft Mitigated Negative Declaration which has been prepared and was previously provided to your Council. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

**Financial Impact**

The applicant is responsible for the costs associated with the proposed amendments.

**Alternatives**

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of September 4, 2012 for the second reading, approval and adoption.

**Attachments**

Attachment 1: Applicant’s justification regarding the proposed amendments.

Attachment 2: Map of Community Commercial parcels.

Attachment 3: Map of the four vacant Community Commercial parcels.

Attachment 4: Photographs of the site from Highway 101.

Attachment 5: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 6: Draft Ordinance No. 290-2012 and Resolution No. 1157-A-2012 denying the proposed amendments.

Attachment 7: Draft Resolution No. 1157-B-2012 approving the proposed amendments.

CITY OF RIO DELL  
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PLANNING DEPARTMENT  
Case No. \_\_\_\_\_  
Application Fee \_\_\_\_\_  
Consulting Deposit \_\_\_\_\_

SUPPLEMENTAL APPLICATION FOR:  
GENERAL PLAN AMENDMENT

1. Describe the Proposed Plan Amendment:

Answer: This is a map change from "Community Commerical" to "Urban Residential".

2. Indicate why the need for the proposed plan designation cannot be met on other appropriately designated lands in the City(map change only):

Answer: The Gateway Neighborhood is already predominantly residential, with a mix of single-family residences, mobile homes parks, the Rio Dell School, Fire Station and other civic uses. Some commerical uses have developed northerly along Wildwood Ave. towards this site. Further commerical development along Wildwood would continue the fragmentation of the Town Center. This property has been on the market under its "Commerical" zoning for 2.5 years with no buyers.

3. Indicate those goals, objectives, policies, strategies and/or programs of the General Plan which are supported or implemented by the Plan Amendment request and explain the reasoning behind this contention:

Answer: Commerical development should be encouraged in the Town Center or adjacent to US 101 where its possible to draw the traveling public. This parcel does not have good US 101 visibility and any commerical development here would draw business away from Town Center. Raw land is more easily developed into todays retail/commerical type businesses. Converting existing structures into desireable retail space is difficult with todays building code requirements. Another problem with this parcel is that a commerical establishment would want to take access from Wildwood Ave. which the City would prefer not to allow. Converting this parcel to "Urban Residential" would allow residential parcels to back up to Wildwood Ave. with an interior street connecting North St. to Pine St. with no outlet to Wildwood Ave.

4. Indicate those goals, objectives, policies, strategies and/or programs of the General Plan that conflict with the Plan Amendment request; show how those items should be amended to be consistent with the request, and present substantial evidence to justify those changes.

Answer: Vacant land for commerical development will be reduced. Vacant commerical land is scarce in Rio Dell and its zoning must take in to account economic realities. Any commerical development away from Town Center could further reduce the viability of Town Center. Sales tax revenue could be reduced with a reduction of commerical zoned property. Increases in sales tax must be based on spending by non-residents and commerical location is crucial in getting the non-residents to stop and spend.

5. Document the economic costs and benefits to the City.

Answer: The loss of vacant land zoned for commerical use may cost the City new businesses. It was once believed that this parcel's proximity to US 101 would make it an ideal commerical site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101. The addition of about 14 residential lots will preserve the residential use in this area and avoid conflict between residential and commerical uses. The City would be relieved of the problem of providing reasonable access to Wildwood Ave. for

commerical use. The backyards of residential lots will not detract from the view of the Scotia bluffs and be easy to landscape for privacy.

6. Specify any significant environmental effects that would be expected if the proposal were approved:

Answer: The effects of development whether residential or commerical, will result in increased surface water runoff. A new street for residential use or a paved parking lot for a commerical use can be mitigated by retention basins and/or bio swales and the requirement to make storm drain improvements.

7. Discuss the compatibility of the proposed Plan Amendment with adjacent land uses.

Answer: Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use.

8. Describe the impact of the proposal on traffic and circulation systems.

Answer: The addition of 14 residential lots will have minimal effect on the residential streets. A new street connecting North St. to Pine St. will provide circulation within the community with the feeling of living on a cul-de-sac. May St. and Painter St. will experience more traffic. Most traffic would turn on Painter St. towards Wildwood Ave. and turn left onto Wildwood Ave. to go downtown or right to access US 101. At certain times of the day, people may choose to go east on Painter St. to Ireland St. and south to Davis St. to access US 101 or the downtown area.

9. Evaluate the adequacy of public service systems to accommodate the change in the General Plan.

Answer: This area currently has access to all "public service systems" that exist within the City of Rio Dell. Any new development will be required to install its fair share of infrastructure to accomadate future residents. An existing sewage collection system is in place. New water mains will be installed on North St. Existing storm drains will be extended along North St. PG&E currently supplys existing residents with electricity and gas, telephone services exist, waste disposal services are available, police and fire protection are already provided in this area. An elementary school is within walking distance to this site.

10. Analyze the impacts of the proposal on the long-term development phasing of the City and on the City as a whole.

Answer: During the current recession it is unlikely that residential buildout will occur within the next 5 to maybe 10 years. Much depends on factors outside the control of the City. This area of May St., North St. and Pine St. is surrounded by residential use. Allowing this parcel to develope into a commerical enterprise would weaken the resolve to maintain a core downtown area. Hopefully, the Humboldt Redwood Mill in Scotia will continue to expand bringing more jobs to the area. With the subdivision of the town of Scotia, more permanent residents in the area will spill over and be beneficial to businesses in the downtown area of Rio Dell.

11. Analyze the impacts of the proposal on each individual element of the General Plan not previously discussed:

Answer: Conservation Element; this property has been used for grazing of livestock and the making of hay. The property is bounded on the north by the US 101 freeway and on the other sides by residential development which precludes the use by wildlife. Open Space Element; the Eel River corridor provides open space for residents of Rio Dell as well as the viewshed of surrounding forests and the Scotia Bluffs. Noise Element; Highway 101 is a minimal noise source for the northerly portion of the property which can be mitigated by tree screening and well insulated houses. Safety Element; this area is in an active seismic zone which is addressed by



current building codes. The threat of flooding from the Eel River and local drainages is not an issue. The threat of wild fire is very low in this urban setting.

12. Prepare findings that are based upon identified and documented facts and clearly demonstrate how the proposal is in the public interest.

Answer: It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood.

RESPONSE TO STAFF REPORT ON  
ALBIN GP/ZONING AMENDMENT

April 17, 2012

Analysis of Community Commerical zoned properties:

As quoted from staff report "community commerical land use and zoning is to provide for large scale commerical uses, i.e. super markets, offices, lodging and civic uses." Whether the frontages of Wildwood Avenue, from the south end to the US 101 overpass, are best suited to be reserved for community commerical is the question. The answer to the question revolves around what "professional" planners believe the City of Rio Dell should look like over the coming 10 to 20 years. The future is very un-certain. Do the citizens of Rio Dell want this area to develop commercially? Do they care if this property stays vacant for 2 more years, or 5 more years? Do they want this area to develop if it means that the downtown area will continue to decline? Are we carefully taking into account the affects, now and in the future, of the Town of Scotia? How much equivalent commerical acreage exists in Scotia? Is the permitting process easier, the same or more difficult in the Town of Scotia compared to Rio Dell? How long should a property owner be held hostage to a zoning designation?

Analysis of Attracting the "Traveling Public" to Rio Dell:

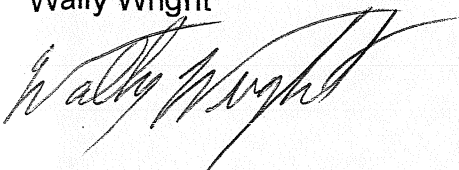
The presumption that the "traveling public" will "see" something that will cause them to exit US 101 into the City of Rio Dell does not fit with my traveling experiences. First, you are traveling 65 miles per hour on a freeway. Secondly, you need to have some sort of advertising so that you know that what ever it is you are looking for is available via a freeway offramp. Freeway advertising conflicts with the groups wanting to keep our "Redwood Highway" free of billboards. This site is not visible from the freeway. The Todd parcel, on the other hand, has the visibility from the freeway, at least for north bound traffic, to take advantage of the "freeway visibility factor". Development of the Todd parcel would likely soften the demand for "community commerical" property for years into the future rather than create a "demand" for commerical development.

Analysis of "General Plan" goals:

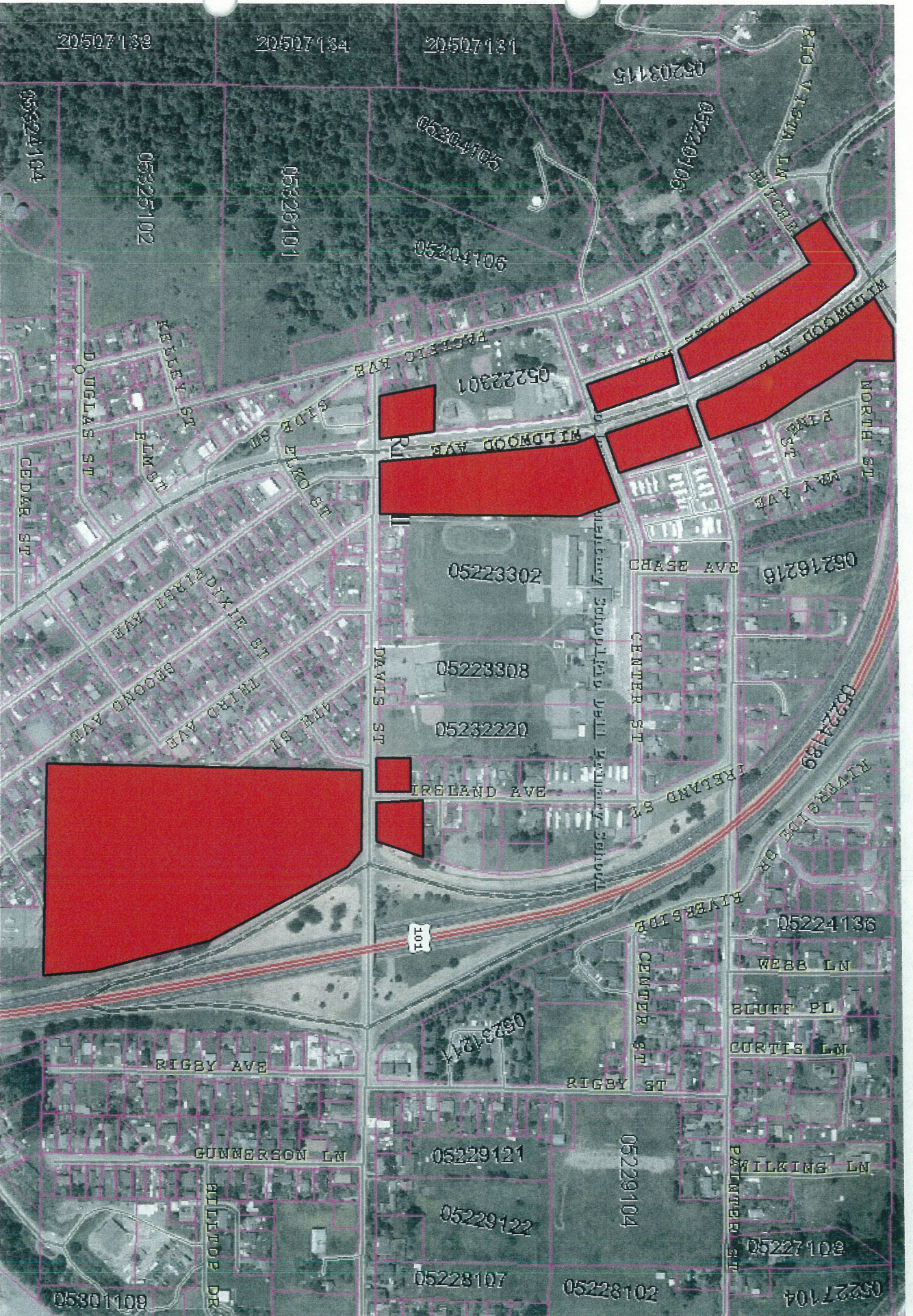
Every community in the State would like businesses to open and expand in their communities. How successful has the "promotion" of commercial and light manufacturing in appropriate commerical zones been? "Light manufacturing" may not be appropriate at this site due to the surrounding residential uses. The Eel River Sawmill site would be ideal for "heavy" or "light" manufacturing. Some types of commerical development would be suitable at this site, but some types would conflict. Allowing access from Wildwood Ave would require a complete re-design of the "Gateway" approach to downtown Rio Dell. Looking at the aerial map, Attachment 3, the current use of properties north of Center St. and east and west of Wildwood Ave is for residential use. The "General Plan" is designed to be amended and the applicant feels that the current and future economic realities justify a review of the zoning on this parcel.

Respectfully submitted for the Albin General Plan Amendment:

Wally Wright







Albin General Plan Amendment and Zone Reclassification  
Community Commercial Parcels



## Vacant Community Commercial Parcels







Albin Property  
Looking South from Highway 101 Overpass





**Albin Property**  
**Looking South from Highway 101**



## Albin General Plan Amendment & Zone Reclassification

Attachment 5: Initial Study and Mitigated Negative Declaration.  
**Previously provided.**

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**RESOLUTION NO. CC 1157-A-2012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN  
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

**WHEREAS** Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

**WHEREAS** the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

**WHEREAS** the property was redesignated in 2004 to Community Commercial; and

**WHEREAS** there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

**WHEREAS** at this point in time there doesn't appear to be need for additional residential lands within the City; and

**WHEREAS** in contrast there is only about 33 acres designated for Community Commercial development; and

**WHEREAS** there are only twenty (20) parcels in the City that area zoned Community Commercial; and

**WHEREAS** of those twenty parcels only four are vacant; and

**WHEREAS** of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

**WHEREAS** the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

**WHEREAS** based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

**WHEREAS** the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

**WHEREAS** based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

**WHEREAS** the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

**WHEREAS** there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

**WHEREAS** the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

**WHEREAS** amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

**WHEREAS** based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

**WHEREAS** through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

**WHEREAS** pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

**WHEREAS** the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

**I HEREBY CERTIFY** that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5<sup>th</sup> day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

**RESOLUTION NO. CC 1157-B-2012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE  
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

**WHEREAS** Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

**WHEREAS** the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

**WHEREAS** the property was redesignated in 2004 to Community Commercial; and

**WHEREAS** it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

**WHEREAS** residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

**WHEREAS** commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

**WHEREAS** based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

**WHEREAS** the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

**WHEREAS** based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

**WHEREAS** the General Plan encourages residential infill development of vacant and underutilized land; and

**WHEREAS** based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

**WHEREAS** through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

**WHEREAS** pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

**WHEREAS** the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

**I HEREBY CERTIFY** that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5<sup>th</sup> day of June 2012 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk



*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



August 21, 2012

TO: Honorable Mayor and City Council Members  
FROM: Jim Stretch, City Manager  
SUBJECT: Budget Amendment for Tennis Court Repair  
and picnic tables at Memorial Park

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt attached Resolution 1170 -2012 to amend the Final City Budget by \$5,700 for repairs of the Davis Street tennis court and (2) concrete picnic tables for Memorial Park, said revenue transferred from the General Fund Reserve (000) in like amount, and
2. Authorize tennis court repairs to the fencing and windscreen and the purchase of (2) concrete picnic tables for Memorial Park.

BACKGROUND AND DISCUSSION

This item is presented to the City Council without a recommendation from the Parks and Recreation Commission because Commissioner terms have expired and consequently there is currently is no quorum. The last public posting that advertised for candidates to fill Commission vacancies went unanswered.

The Davis Street City Park has two (2) fine tennis courts enclosed in a 10' high chain link fence with a locking gate. Nine foot (9') windscreens are installed on the west and north side fences. Over time the windscreens have become weathered and then ripped in several places. And, the chain link fence has come loose from the vertical metal posts to a point that persons are entering the court under the fence.

The repairs for the fence and windscreen are estimated at no more than \$4,000 as follows:

1. Replace 107' of windscreen on west side of the court (\$1,238.16).
2. Install 1-5/8" bottom fence railing around the entire tennis court, secured to the fence (\$1,495).
3. Install 1-5/8" middle fence railing on the west and north (windward) sides of the court (\$655).
4. Purchase and install fence ties (\$195).

The quoted costs total \$3,583.16, but sales tax is not broken out. Accordingly, the total has been rounded up with a small amount allowed for unknown costs—call it \$4,000. Taylor Made

Fencing working out of Rio Dell will install the railings and fence ties and the Public Works Department will install the windscreen.

In Memorial Park there is one (1) concrete picnic table that is constantly in use by the community and the traveling public who come upon it when fueling up their vehicles. Apparently the table was loaned to the City, not donated, and the owner wishes to reclaim it. Given the high degree of use in the recently enlarged park, it is recommended that we acquire two (2) concrete picnic for the park at the cost of \$1,700, which includes tax and shipping. The tables are manufactured by Hilfiker Pipe Company of Eureka.

The City has a Park and Recreation Fund with a \$9,500 balance created by means of developer impact fees, but it can only be used for the acquisition of new parklands. Therefore, these maintenance and park improvements expenditures are a General Fund requirement and will have to be transferred from its reserve. Assuming that Street Improvement Measure "J" passes on November 6, 2012, the estimated balance in the General Fund Reserve would be \$555,000.

Cc: Finance Director  
Water/Street Superintendent

Attachments: 1) Resolution No.1170-2012  
2) Cost estimates for tennis court repairs

**RESOLUTION NO. 1170-2012**

**A RESOLUTION OF THE CITY COUNCIL OF  
RIO DELL AMENDING THE CITY BUDGET FOR PARK  
AND RECREATION MAINTENANCE AND IMPROVEMENTS**

**WHEREAS**, the Rio Dell City Council adopted its 2012-2013 Budget on June 19, 2012;  
and

**WHEREAS**, expenditures for parks and recreation were not foreseen and thus were not  
included in the budget, and

**WHEREAS** it has occurred that expenditures are required for the Davis Street tennis  
courts to replace windscreen and to secure the fencing, and for picnic tables for Memorial  
Park, and

**WHEREAS**, the City of Rio Dell does have a General Fund Reserve with an adequate  
balance as of July 1, 2012 that can be used for park and recreation maintenance and  
improvements.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Rio Dell hereby  
adopts this Resolution to amend the City Budget in the amount of \$5,700 for the  
maintenance of the Davis Street tennis courts and the purchase of two (2) concrete picnic  
tables for Memorial Park, with revenues in like amount being transferred from the  
General Fund Reserve (0000).

APPROVED this      day of      by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk



**Summit Supply Corporation of Colorado**  
**5092 County Road 302**  
**Durango CO 81303**  
**Phone (970) 247-8858 Fax (970) 247-1371**  
**800-526-0116**

**Quote**

Date	Quote #
7/16/2012	L07161203

Name / Address	Ship To
City of Rio Dell Accounts Payable 675 Wildwood Ave Rio Dell CA 95562	City of Rio Dell Attn: Carla 475 Hilltop Dr Rio Dell, CA 95562 707-764-3532

REP		Terms		
Larry		Net 30		
Qty	Item	Description	Cost	Total
109	VCP-9	9' windscreen green (1) panel 55' long (1) panel 54' long both panels with dual air vents	8.40	915.60
11	21002D	Dual AVR reinforced air vents top and bottom	16.00	176.00
1	31600	black nylon Lacing cord (600' reel)	47.00	47.00
2	31657	TR-120P tie rap 8" (100-pkg)	10.78	21.56
	Shipping	Shipping	78.00	78.00
<b>Total</b>				<b>\$1,238.16</b>

Our firm is financially able to meet any commitments we have made and we understand that we are to pay your invoices according to your terms of net 30 days from date of invoice. In addition to invoice amounts, Buyer agrees to pay to the Seller interest on account past due at a rate of 1.5% per month or the maximum allowable interest rate applicable, whichever is lower, all collections cost including attorney's fees, and any other costs involved in the collection of any accounts past due

**NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED IN 30 DAYS**

Date: \_\_\_\_\_ Signed by: \_\_\_\_\_ Title: \_\_\_\_\_  
 Please print name: \_\_\_\_\_

TAYLOR MADE FENCING

LIC#834877

P. O. Box 145  
Fortuna, Ca. 95540  
Phone/Fax 725-2533

Date: 7-30-12  
C.O.R.D.  
Attn: Justin  
Fax# 764-5480

Job Site Address: Tennis Ct.

We Propose to furnish all materials and perform all labor necessary to complete the installation of bottom rail and midrail around half of tennis court.

**Materials**

1-5/8" Structural Top Rail  
Fittings

**Total materials/labor estimated to be: \$ 2150.00**

**Acceptance of Proposal:**

The specifications described above are satisfactory and are hereby accepted. By signing below it is understood that I accept all material costs to proceed with proposal. Due to the instability of wood products, Taylor Made Fencing is not liable for any problems caused by shrinkage, expansion, or warping. Taylor Made Fencing is not liable for any damage/problem due to anything other than workmanship. Payment in full is to be made at completion of job, upon invoice, in cash or check only.

**Sign & Print** \_\_\_\_\_ **Date** \_\_\_\_\_

**Amount of Deposit:** \_\_\_\_\_

**\*This proposal may be withdrawn if not accepted within 30 days.**

 **FAXED**  
7-31-12

**TAYLOR MADE FENCING**

**LIC#834877**

**P. O. Box 145  
Fortuna, Ca. 95540  
Phone/Fax 725-2533**

Date: 7-24-12  
C.O.R.D.  
Attn: Justin  
Fax# 764-5480

Job Site Address: Tennis Ct.

We Propose to furnish all materials and perform all labor necessary to complete the repair of bottom of fence around tennis court.

**Materials**  
Fence Ties  
Hog Rings  
Bottom Wire Where Needed

**Total materials/labor estimated to be: \$ 195.00**

**Acceptance of Proposal:**

The specifications described above are satisfactory and are hereby accepted. By signing below it is understood that I accept all material costs to proceed with proposal. Due to the instability of wood products, Taylor Made Fencing is not liable for any problems caused by shrinkage, expansion, or warping. Taylor Made Fencing is not liable for any damage/problem due to anything other than workmanship. Payment in full is to be made at completion of job, upon invoice, in cash or check only.

**Sign & Print** \_\_\_\_\_ **Date** \_\_\_\_\_

**Amount of Deposit:** \_\_\_\_\_

**\*This proposal may be withdrawn if not accepted within 30 days.**



---

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



August 21, 2012

TO: Honorable Mayor and City Council Members

FROM: Jim Stretch, City Manager

SUBJECT: Declaration of emergency repair and budget amendment for  
drainage ditch in the vicinity of Miller & Tyme Courts

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Make the finding required by California Contract Code Section 22050 that the repair of the drainage ditch in the vicinity of Miller and Tyme Courts presents an emergency that will not permit a delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to that emergency; and
2. Adopt attached Resolution 1172 -2012 declaring the emergency and amending the Final City Budget by \$20,000 for the repair of the drainage ditch at the intersection of Miller Court and Tyme Court, said revenue transferred from the Gas Tax Reserve (20) in like amount, and
3. Authorize the City Manager to commence and complete the emergency ditch repair at the earliest opportunity, reporting back to the City Council at every regularly scheduled meeting until the emergency repair is complete.

BACKGROUND AND DISCUSSION

It has recently come to the attention of Public Works Department that the drainage ditch that runs along the back of the Miller Estates Subdivision, draining the streets of Miller Court and Tyme Court, is severely eroded, causing the bank to give way in close proximity to the foundation of a residence. It is the City Engineer's opinion that without emergency repairs prior to winter, the erosion will worsen and threaten the structure.

On August 13, 2012 the City Manager signed an agreement (attached) with GDH Engineering to allow the topographical work to be done. Elevations are needed to return the ditch to the original grade. The plan is to line the drainage ditch with rock to stabilize the sides and adjacent area for a distance of approximately 65 feet.

The Engineer's estimate of the cost of engineering, topographic and geotechnical work is \$8,600 (attached). This does not include the cost of the rock or the contractor to actually do the work. An early estimate of this portion of the work was stated at \$5,000. The probable cost of the repair

is greater than the \$10,000 authority delegated to the City Manager in the Rio Dell Municipal Code Section 3.30.030 (Purchasing Procedures), so City Council approval is required.

The California Department of Fish and Game has been to the site and concluded that a special permit for the work is not required. Otherwise, the cost would be several thousands of dollars more and the repair would be tabled for months, if it would occur at all this winter.

California Contract Code Sections 20168 and 22050 set forth the procedures and findings that the City Council must make by Resolution in order to address an emergency situation without complying with competitive bidding requirements. The declaration must be passed by at least 4/5 vote.

#### FINANCIAL IMPACT

The 2012-13 Final Budget for street repairs for the entire year totaled only \$17,000. It is recommended that the Gas Tax Reserve Fund augment that appropriation by \$20,000. The Gas Tax Fund Reserve had a balance available of \$129,000 as of July 1, 2012.

It is recommended that the work be done now on an emergency basis to mitigate potential damage and liability.

Cc: Finance Director  
Water/Street Superintendent

Attachments: 1) Resolution No.1172-2012  
2) Agreement with GHD Inc. for emergency topographic and engineering work related to drainage ditch near Miller and Tyme Courts



**RESOLUTION NO. 1172-2012**

**A RESOLUTION OF THE CITY COUNCIL  
OF RIO DELL AMENDING THE CITY BUDGET FOR  
STREET MAINTENANCE AND IMPROVEMENTS, AND  
DECLARING THE NEED FOR EMERGENCY REPAIRS**

**WHEREAS**, the Rio Dell City Council adopted its 2012-2013 Budget on June 19, 2012;  
and

**WHEREAS**, expenditures for street maintenance and repairs for the entire fiscal year  
was set at \$17,000, an amount that would normally fund requirements, and

**WHEREAS**, it was recently learned that erosion along the drainage ditch near Miller and  
Tyme Courts has created a threat to an adjacent structure; an emergency requiring  
immediate repair in the opinion of the City Engineer, and

**WHEREAS**, a drainage structure (ditch) not located in the street right-of-way is an  
allowable gas tax expenditure if it serves the purpose of draining City streets, and

**WHEREAS**, the City of Rio Dell does have a Gas Tax Fund Reserve with a balance of  
\$129,000 as of July 1, 2012 that can be used for street maintenance and improvements.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Rio Dell hereby  
adopts this Resolution to amend the City Budget in the amount of \$20,000 for the  
maintenance of City streets, more particularly to address the urgent situation caused by  
the drainage ditch in the vicinity of Miller and Tyme Courts, with revenues in like  
amount being transferred from the Gas Tax Fund Reserve (20), and

**BE IT FURTHER RESOLVED**, that the Rio Dell City Council declares that this repair  
is an emergency and warrants the immediate expenditure of public monies to safeguard  
property; authorizing the City Manager to cause repairs to be made immediately without  
regard to the normal bidding procedures required by City Code or the California Contract  
Code.

APPROVED this      day of      by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

\_\_\_\_\_  
Julie Woodall, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk



**Agreement Between  
The City of Rio Dell  
And  
GHD Inc  
For  
Miller-Tyme Court Drainage Repair Project**

This agreement is between the City of Rio Dell and GHD Inc (GHD) to provide engineering services for the development and implementation of a project to repair an existing drainage ditch within an existing city drainage easement in a residential area along Fern Street. This agreement is based on a prime agreement between the City of Rio Dell and GHD dated October 10, 2003. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

The City of Rio Dell determined that an existing drainage ditch located between Fern Street and Tyme Court is eroding at a culvert outfall adjacent to a home. The City would like to reinforce the ditch in the vicinity of the erosion and stabilize the ditch and adjacent area and to re-establish the original grades of the drainage ditch. The City has identified this project as urgent and intends to hire a contractor to make the repairs soon to avoid potential for future erosion this fall and winter. A site visit was conducted with representatives of the California Department of Fish and Game on August 3<sup>rd</sup>, and they verbally conveyed that a 1600 permit with the department would not be required.

To assist the City with this effort the City has requested that GHD provide them with assistance to generally describe the work to be completed and provide an estimate for this repair general assistance during construction.

**Scope of Services**

Our scope of services is defined by the following tasks.

**Task 1: Erosion Control Conceptual Design and Sketch**

Under this task GHD will prepare a concept design for erosion control at the site that will be presented as a site sketch and typical sections to prevent future erosion. GHD will contract directly with Gutierrez Land Surveying to provide a basic topographic survey of the drainage ditch and provide the data to GHD as an AutoCAD base map. GHD will utilize the topographic survey to develop a site sketch showing generally the limits of the work, approximate grades, and, one to two typical sections. This conceptual plan developed will be used to develop a preliminary opinion of probable construction cost for use by the City to help determine how they want to proceed with the project.

It is anticipated that a rock buttress will be used to stabilize the end of the drainage ditch and provide grade control for the ditch. GHD will contract directly with LACO and Associates to visit the site and provide general recommendations for the development of the typical sections. No subsurface investigations will be conducted nor will any physical data be collected at the site.





Recommendations will be based on past experience with similar stabilization approaches on similar projects. LACO will be available as requested by the City during construction to review the site conditions and provide general feedback on the improvements construction to be undertaken by the City.

GHD will review the grade of the existing drainage ditch and site features and determine the approximate original grades of the ditch flow line, and establish new grades for the ditch, with the intention of re-establishing the original size and capacity. No hydraulic calculations will be completed. The impact to existing trees and downstream drainage will be minimized as possible.

#### **Assumptions and Exclusions**

1. No environmental permitting is needed this project.
2. All rights of entry will be secured for this project by the City
3. The topographic survey will be based on assumed datum and will not include any boundary information. Approximate location of property lines and easements will be shown based on assessor's parcel maps.
4. The geotechnical support provided by LACO and Associates will not include a slope stability analysis or be based on physical data or models, but will be qualitative based on general conditions observed at the site.
5. GHD will provide assistance to the City as requested to administer a contract with a construction contractor. The City will have the primary responsibility for contract administration and oversight
6. Other services not defined in the above Task(s) are not included in this scope of services.

#### **Compensation**

This project will be billed on a time and materials per GHD Fee Schedule in effect at the time services are performed. We will assist the City up to the budgeted amount of \$8,600 and may be more or less depending on the actual effort needed. Charges will be invoiced monthly and due within 30 days. A charge at the maximum legal rate of interest will be assessed on past due accounts.

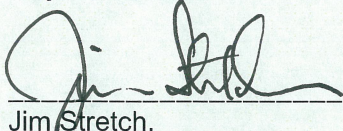
#### **Schedule**

GHD will complete the concept sketch within 30 days of receiving the signed contract and provide assistance with the remaining tasks as necessary over the next 60 days.

#### **AGREED**

City of Rio Dell

GHD Inc.

 8-13-12

Jim Stretch,  
Interim City Manager

Date

\_\_\_\_\_  
Steven Allen,  
Regional Office Manager

Date

\_\_\_\_\_  
Rio Dell Accounting Tracking Number